

Agenda

Town of Seekonk, MA Planning Board

1/22/13

7:00 PM

Seekonk Town Hall
Planning Board Meeting Room

Type of meeting:

Planning Board Regular Meeting, Public Hearing

Agenda topics – More information on each item can be found on our website – www.seekonk-ma.gov under Departments>Planning>Agenda Items

7:00 PM

Public hearing

Definitive Subdivision: Pine Hill Estates - Plat 24,
Lots 73 & 394 - 524 Newman Ave – continued from
12/11/12

Applicant: Najas Realty,
LLC

Site Plan: 544 Central Avenue

Applicant: Bristol County
Auto Sales

Form A: 192 Prospect St.

Applicant: Helen Brackett

Discussion: Subdivision Rules and Regulations
Amendments

Planning Board

Discussion: Master Plan Implementation – Audit

Planning Board

Correspondence:

Approval of Minutes: 12/11/12

Adjournment



Planning Board
100 PECK STREET
SEEKONK, MASSACHUSETTS 02771
1-508-336-2960

To: The Planning Board
From: John P. Hansen Jr., AICP, Town Planner
Date: January 14, 2013

SITE PLAN REVIEW
Bristol County Auto Sales – 544 Central Ave.

Summary: The applicant has submitted a request for Site Plan Review.

Findings of Fact:

Existing Conditions

- Auto repair business

Proposal:

- Introduce auto sales business with 14 display vehicles.
- **Section 10.6.1 - Parking**-2-3 parking spaces required for automotive sales/repair (6 proposed).

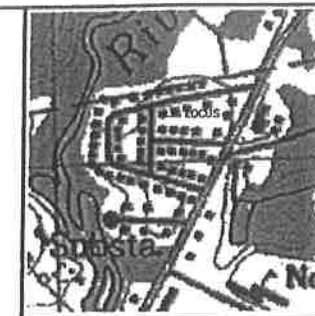
Waivers Required:

- None

Recommendation:

It is recommended that an approval of the Bristol County Auto Sales site plan, dated of 12/14/12, be given.

LAND COURT PLAN #11100F



LOCUS MAP
SCALE: 1" = 1000'

LEGEND

- ① PROPOSED 9'x20' DISPLAY PARKING SPACE
- P1 PROPOSED 9'x20' CUSTOMER PARKING SPACE
- E1 PROPOSED 9 X 20 EMPLOYEES PARKING SPACE

ZONING:
(LOCAL BUSINESS)

PARKING SUMMARY
(COMMERICAL < 20,000)
GROSS FLOOR AREA:
2400 SF @ 1 SPACE/400 SF = 6 SPACES

SPACES REQUIRED: 6 SPACES
SPACES PROVIDED: 19 SPACES

BONEYARD
BARBECUE
1 STORY
WOOD FRAME
LOT 69 AP 34

POLE 2117-1

LOT 60 AP 34

APPROXIMATE
PROPERTY LINE

6' STOCKADE
FENCE

POLE 2118-1

MONITOR
WELL

LOT 67 AP 34

ONE STORY
CONCRETE BLOCK
BRICK VENEER
544 CENTRAL AVE

EXISTING
2 STORY
WOOD FRAME
LOT 62 AP 34

MONITOR
WELL

EXISTING
CAR
STOP
(TYP.)

ELEC. TRENCH

CONCRETE
PLANTER

YARD LIGHT

WATER

POLE 2117

CONCRETE WALK-SIGN POST

VERT GRANITE CURB

POLE 2118

BORDER AVENUE
(PUBLIC - 40' WIDTH)

CENTRAL AVENUE
(PUBLIC - 60' WIDTH)

* REDUCED COPY *



PARKING & DISPLAY SKETCH PLAN IN

SEEKONK, BRISTOL COUNTY
MASSACHUSETTS

PREPARED FOR
BRISTOL COUNTY AUTO SALES
227 PINE STREET
ATTLEBORO, MASSACHUSETTS 02703

SCALE: 1" = 50'
DATE: DECEMBER 14, 2012
DRAWN BY: EVS, CJB
CHECKED BY: LET
PREPARED BY: SK-1

TILTON
AND ASSOCIATES, INC.
81 John L. Dietsch Boulevard
P.O. Box 467
North Attleborough, MA 02761
Tel: (508) 699-4120 Fax: (508) 699-7810
Web: www.tilton-assoc.com Email: dgs@tilton-assoc.com

LAND SURVEYING, CIVIL ENGINEERING AND ENVIRONMENTAL PERMITTING

REVISIONS:



Planning Board
100 PECK STREET
SEEKONK, MASSACHUSETTS 02771
1-508-336-2960

To: The Planning Board
From: John P. Hansen Jr., AICP, Town Planner
Date: December 12, 2012

APPROVAL NOT REQUIRED REVIEW (ANR)
Helen Brackett – Plat 22, Lot(s) 13 – 192 Prospect

Summary: The applicant has submitted a request for an Endorsement of a Plan Believed Not to Require Approval.

Findings of Fact:

Existing Conditions

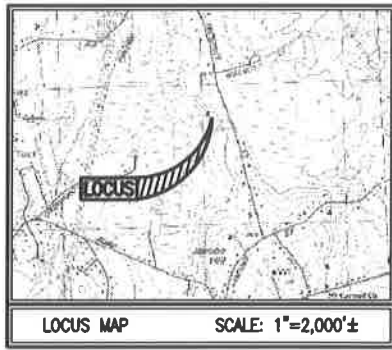
- 35 acre lot with single-family dwelling zoned R-4.

Proposed Lot Amendments:

- Divide off 29 acres, which would be subject to a conservation restriction, leaving the single-family dwelling on a lot with adequate frontage (250') and access to the property on an accepted way (Prospect St.)

Recommendation:

Staff recommends approval of this application as it meets the exemption clause within the definition of a subdivision in the Rules and Regulations Governing the Subdivision of Land for changing the size of lots in such a manner so as to not leave any lot affected without the proper frontage.



ZONING DATA	
DISTRICT:	RESIDENTIAL 4
MINIMUM REQUIREMENTS:	
LOT AREA	82,500 S.F.
LOT WIDTH	250 FT
FRONT YARD	50 FT
SIDE YARD	35 FT
REAR YARD	80 FT

FOR REGISTRY USE ONLY

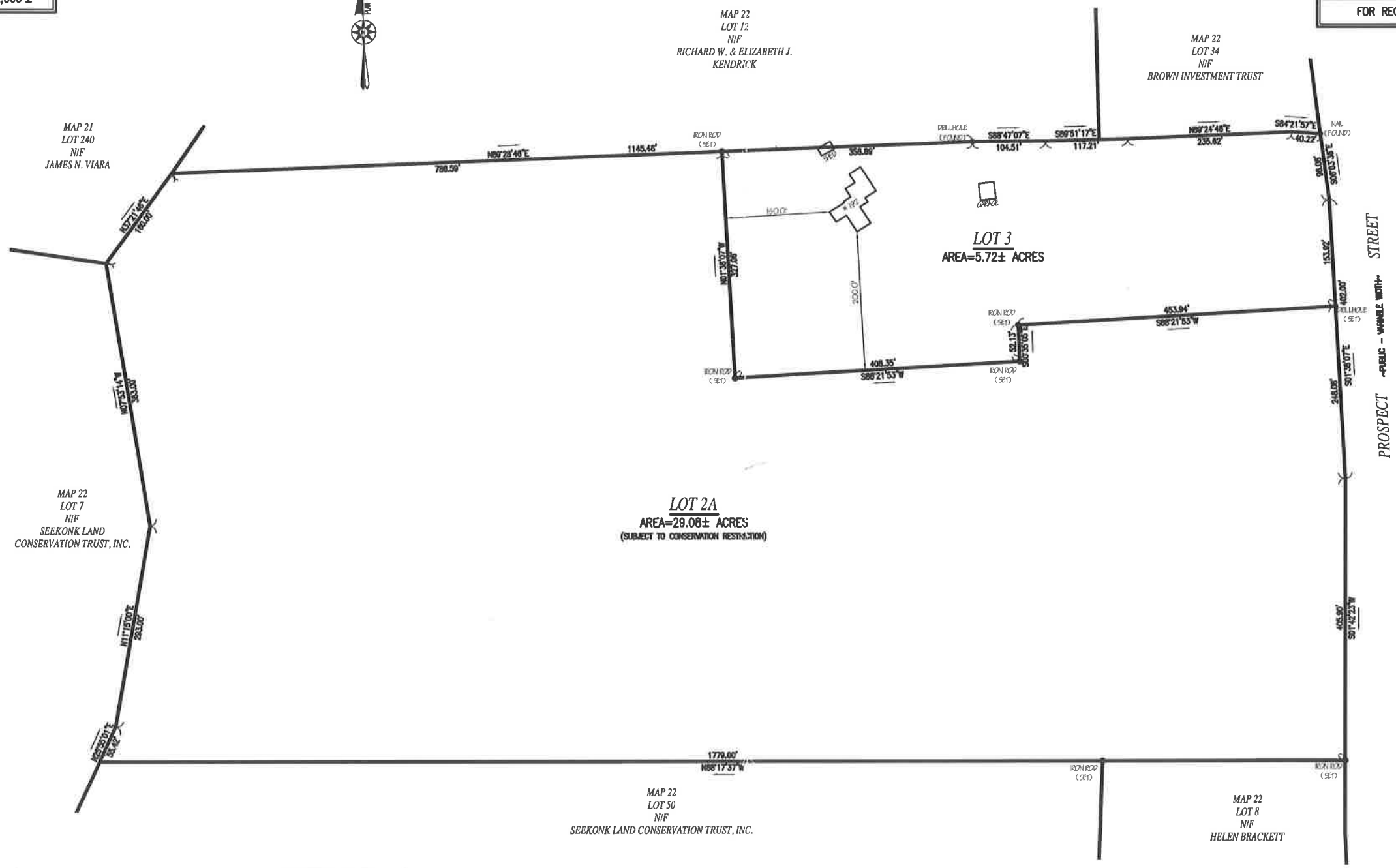


THOMPSONFARLAND
PROFESSIONAL ENGINEERS // LAND SURVEYORS
www.ThompsonFarland.com
(MAIN OFFICE) 396 COUNTY STREET, NEW BEDFORD, MA 02740 P.508.717.3479
NEW BEDFORD | TAUNTON | CAMBRIDGE | MARLBOROUGH

DRAWN BY: MOB
DESIGNED BY:
CHECKED BY: BJM

PLAN OF LAND
192 PROSPECT STREET
ASSESSORS MAP 22 LOT 13
SEEKONK, MASSACHUSETTS
PREPARED FOR:
JUDITH G. H. EDINGTON, ESQUIRE
ONE POST OFFICE SQUARE
BOSTON, MA 02109

NOVEMBER 28, 2012
SCALE: 1"=80'
JOB NO. 12-1146
LATEST REVISION:



PLANNING BOARD ENDORSEMENT SHALL NOT BE CONSTRUED AS EITHER AN ENDORSEMENT OR APPROVAL OF ZONING REQUIREMENTS OTHER THAN FRONTAGE.

APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED

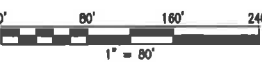
TOWN OF SEEKONK PLANNING BOARD

DATE: _____

"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS"

11/28/12
DATE: _____ PROFESSIONAL LAND SURVEYOR: _____

NOTES:
1) THE PURPOSE OF THIS PLAN IS TO DIVIDE LAND SHOWN ON ASSESSOR MAP 22 LOT 13 CREATING LOT 2A AND LOT 3.



RECORD OWNER:
HELEN BRACKETT
47 WEST 78TH STREET, APT 2
NEW YORK, NY 10023
DEED BOOK 1974 PAGE 320
PLAN BOOK 411 PAGE 39

5.2 Submission

1.2.1 All Submittals must include a digital copy, on CD or DVD, of said plan in a format compatible with the latest version of AutoCAD. The plan shall comply with Level III of the current version of the MassGIS "Standard for Digital Plan Submission to Municipalities (hereafter "the standard") and shall be filed within 15 business days of the plan being approved by the Planning Board. The vertical datum shall be NAVD88. Upon written request, the Planning Board may waive the requirement for submitting the standard digital file or for complying with Level III of the standard. In place of the Level III requirement, the Planning Board may allow submission of a standard digital file that complies with Level I. Any request for a waiver must include a statement as to why submitting a digital file is not possible or why the requirement should be for Level I of the standard.

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System with units in feet

5.3 Contents

The Definitive Plan shall be an original drawing conforming to the rules and regulations of the Registry of Deeds. The plan shall be at a scale of one (1) inch equals forty (40) feet. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

17. Separate plans and profile of every street in the subdivision showing the following data:

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1.05"

7. Elevations shall be based on the Massachusetts Coordinate System, North American Datum 1983 (NAD83), with units in U.S. Survey Feet. The vertical datum must be North American Datum 1988 (NAVD88). At least two permanent bench marks shall be referred to on the profiles.

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to this datum is available at the Department of Public
Works

7.1 Streets

7.2.1 Location and Horizontal Alignment

7.2.1.5 The minimum centerline radii of curved streets shall be not less than the following:

- Arterial Streets.....800 feet
- Collector Streets.....600 feet
- Minor Street.....150 feet

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7.2.2 Width

7.2.2.2. The minimum width for the roadway (pavement) shall not be less than the following:

	<u>Travel Lanes</u>	<u>Shoulder & Parking</u>	<u>Minimum Total Paved</u>
Arterial	12 ft. – four lane minimum	8 ft. – one on each side	64 feet
Non-Residential Collector	12 ft. – two lane minimum	8 ft. – one on each side	40 feet
Residential Collector	11 ft. – two lane minimum	8 ft. one on each side	38 feet
Local/Minor	12 ft. – with sidewalks	-----	24 feet
	14 ft. without Sidewalks		28 feet
Cul-de-sacs	16 ft. (one-way)	-----	16 feet

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7.2.3 Grade

7.2.3.4 All roadway pavements on minor or collector streets shall have a cross slope from the centerline of the roadway of no less than ¼ " inch per foot except at horizontal curves which shall be superelevated in accordance with the most current design standards outlined by AASHTO in A Policy on Geometric Design of Highways and Streets. When a roadway changes directions on a hill, the pavement shall be sloped so that water will not drain from one side of the road to the other. Roadway pavement may be superelevated in order to provide stormwater flow to a drainage system on one side.

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7.2.4 Dead-end Streets

7.2.4.1 The length of permanent dead-end streets shall not exceed the frontage that would allow for a maximum number of six (6) lots having the minimum frontage permitted under zoning along each side of the street. This length can be exceeded if a permanent dead-end street traverses past lots that are not part of a proposed subdivision or serviced by said street. Where in the opinion of the Board safety and convenience will not be sacrificed or whenever the total length of a dead-end street exceeds one thousand (1,000)

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feet, or in non-residential subdivisions, the Board may require a special double roadway or parkway street.

7.4 Easements

7.4.1 Easements for utilities and drainage facilities across lots, centered on rear or side lot lines, shall be provided where necessary, at least thirty (30) feet wide in all non-Conservation Subdivisions and at least twenty (20) feet wide in all Conservation Subdivisions, and located on land owned by the homeowner's association established for the proposed subdivision. Such easements will be submitted with and be part of the Definitive Plan and recorded as a separate document with the Registry of Deeds.

7.4.4 An easement of at least twenty (20) feet wide shall be provided at the end of all dead end streets to the depth of the lots for future main tie-ins, except if no developable land exists on the adjacent property, as determined by the Planning Board.

8.2 Fire Protection

Adequate fire protection shall be provided for in accordance with the following requirements:

8.3.1 Fire Alarm Box

At least one (1) fire alarm box shall be required in a subdivision of 4 lots or more. The location of the fire box(es) shall be specified by the Fire Department. The fire alarm system shall be installed in accordance with the specification of the Fire Department and prior to the binder course application.

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8.5 Street and Roadway

8.5.3 All roadways shall be brought to a grade of fifteen and a half (15.5) inches below finished roadway and inspected before road construction continues. The foundation shall consist of ten (10) inches of gravel, free from foreign materials, well compacted and approved before paving. This gravel should not have any stones greater than six (6) inches in size. The finished fine grade course will consist of a two (2) inch gravel layer and this gravel shall not have any stones greater than two (2) inches in size. Completion of this work shall be done within one year from filing of the performance guarantee. The developer shall notify the Superintendent of Public Works before each phase of work is started.

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8.7 Sidewalks

8.7.1 Sidewalks of not less than ~~four (4)~~ feet in width shall be constructed on ~~one~~ side of the street in conformity with specifications of the Town. Said sidewalks shall be required when they will connect to existing sidewalks.

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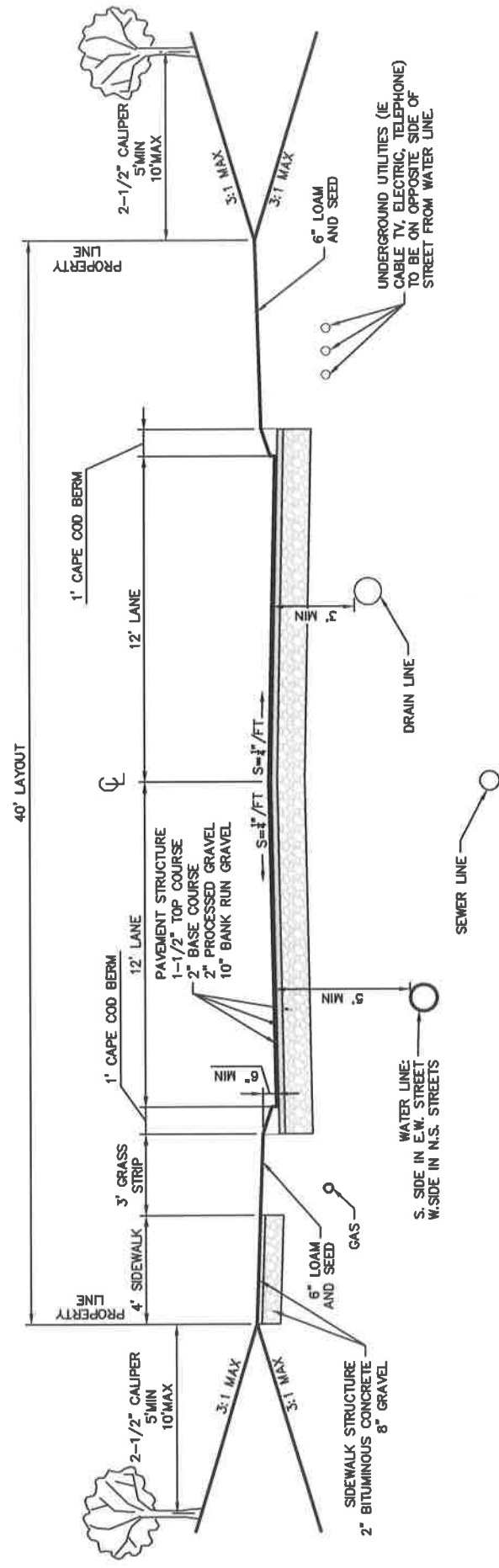
8.9 Monuments

8.9.1 A letter certifying that permanent monuments have been set and a plan showing the exact location of the monuments shall be submitted by a Massachusetts professional land surveyor. ~~Distances of the monuments (offsets) to at least two fixed items shall also be provided in case said monuments cannot be located in the future (i.e. removal, buried, etc). In addition, an iron rod shall also be placed alongside all monuments to aid in finding said monument with a metal detector in the future.~~

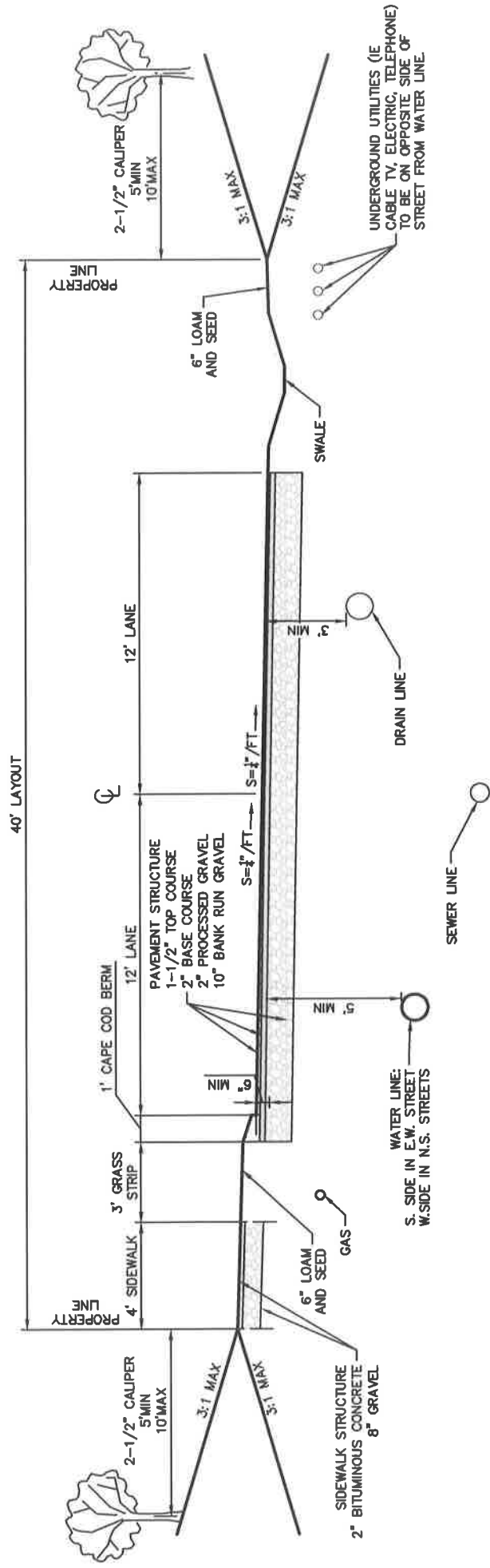
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Typical Cross Section - Minor Street - Crowned Appendix III



Typical Cross Section - Minor Street - Super Elevated Appendix III



Land Use Action Plan

Action	Responsible Party	Status
Objective LU-1: Encourage sustainable growth patterns throughout the community.		
Educate residents, business owners, and officials on the costs and benefits of different types of development patterns.	Board of Selectmen	No action
Provide a comprehensive re-write to the Zoning By-law that will help to achieve the goals associated with the different areas of the FLUM.	Planning Board/Building Inspector/Zoning Board of Appeals	Horsley Witten working on
Inventory zoning barriers to mixed use development, and other forms of compact or clustered development.	Planning Board	No action
Inventory vacant or underutilized properties that provide opportunities for infill and redevelopment.	Board of Selectmen/EAC	Working with Assessor
Inventory zoning “non-conformities” and assess whether zoning should be changed or remain intact relative to existing uses.	Planning Board	Done – will complete with ZBL re-write
Develop a library of visualizations (e.g., pictures of other communities, photo-simulations, etc.) that can be used to help shape regulations for different areas within the Town.	Planning Board	No action
Identify sites in residential areas that could serve as community gardens.	Planning Board	L. Dunn to take lead
Incorporate the action items within the Housing Production Plan and the Open Space and Recreation Plan as appropriate.	Planning Board/Conservation Commission	Incentive Zoning Bylaw approved at Fall '12 TM warrant; ConCom still working on OSRP with SRPEDD
Objective LU-2: Maintain Seekonk’s environmental resources and community character in Rural Residential areas.		
Establish lines of communication between the Town and key owners of developable land. Ensure the Town is aware of when ownership may change hands or when development proposals may be submitted.	EAC	No action
Revisit the Town’s Conservation Subdivision Bylaw to strengthen the quality of design, the protection of natural resources, the efficiency of infrastructure, and the continuity of open space from one subdivision to another.	Planning Board	Will explore as part of ZBL re-write
Focus land preservation efforts and funding to rural areas to the extent that opportunities exist.	CPC/ Conservation Commission	Ongoing

Explore the use of Transfer of Development Rights (TDR) as a land use tool for preserving open space and agriculture in these areas.	Planning Board	No action
Continue to explore the designation of Prospect Street as a “Scenic Corridor”.	Planning Board	No action
Explore the possibility of connecting local agricultural operations to farmers markets within Village Areas	Planning Board/ EAC	No action
Develop zoning performance standards that may allow for a more diverse home business inventory as an incentive for large land owners not to subdivide and develop.	Planning Board	Will explore as part of ZBL re-write
Clarify regulations that would expand the ability for homeowners to sell vegetables at roadside stands.	Planning Board	Will explore as part of ZBL re-write
Objective LU-3: Maintain a high quality of life in areas designated General Residential by providing opportunities for improving residential homes and neighborhoods.		
Continue to ensure a high level of essential services for neighborhoods in the General Residential areas (e.g., right of way maintenance, etc.).	All service departments	Ongoing
Explore the potential implementation of an Accessory Dwelling Unit by-law that would allow for appropriate levels of accessory housing.	Planning Board	No action
Assess the effectiveness of the existing Home Occupation by-law provisions to see if adjustments need to be made (more or less restrictive).	Planning Board	Will explore as part of ZBL re-write
Provide educational materials related to residential landscaping to encourage low-maintenance attractive alternatives to lawns.	Planning Board/ Conservation Commission	No action
Objective LU-4: Maintain vibrant neighborhoods in Seekonk’s Village Residential areas.		
Develop “way-finding” analyses that illustrate the most effective pedestrian/bicycle routes between Village Residential and Village areas.	Planning Board/ DPW	No action
Concentrate resources for right of way improvements on those areas identified in the previous action item.	Board of Selectmen/DPW	Ongoing
Ensure an aggressive program for street tree maintenance and replacement to contribute to the safety and character of busy Village Residential streets.	DPW	Ongoing
Create opportunities for a diverse housing stock through the use of Zoning By-law amendments or strategic “friendly 40B” applications.	Planning Board/ Zoning Board of Appeals	Ongoing
Identify streets that may have issues with automobile speeds and install traffic calming devices.	DPW/Police Department	Ongoing
Ensure high quality landscaping for non-residential uses through the use of landscape design standards.	Planning Board	No action

Objective LU-5: Revitalize Seekonk's designated Village areas.		
Develop detailed physical Master Plans for the two Village areas that illustrate different future development scenarios and streetscape concepts. Use these Master Plans to inform regulatory amendments.	Planning Board	Luthers Corners Village Zoning Bylaw adopted along with Parking/Circulation Study
Consider the rezoning of the Village areas into larger more cohesive districts (consistent with the previously mentioned Master Plans), which include detailed design and circulation standards.	Planning Board	No action
Investigate financial incentive opportunities that could be offered to developers for infill and redevelopment.	Planning Board/ EAC	CPA funding available
Apply elements consistent with the "Complete Streets" approach in Village areas to ensure the Town captures as many modes of circulation as possible. Apply standards developed as part of the local guidance document called for in the Transportation Element (T-2.b)	Planning Board/ DPW/Fire Department	No action
Consider the provision of centralized sewer service for these areas as a tool for continued growth and resource protection.	Planning Board/ EAC/ Board of Selectmen	To consider
Objective LU-6: Continue to improve conditions in Seekonk's Mixed Use Corridor areas.		
Implement the strategies developed as part of the Route 44 Corridor Study (SRPEDD, 2011).	Planning Board or as identified	Ongoing
Commission a detailed development feasibility study for the southern Mixed Use Corridor area that includes an examination of market analyses, infrastructure cost/benefit analysis, and environmental constraints.	EAC/Planning Board	No action
Apply more prescriptive standards for traffic access management for properties along both Mixed Use Corridor areas.	Planning Board/ DPW	No action
Consider modest design standards for corridor areas to improve the appearance of parking areas, signage, building materials, landscaping, and the street edge.	Planning Board	No action
Objective LU-7: Allow the Highway Business area to continue as a premier regional commerce center.		
Ensure Zoning By-law standards for use, dimension and other important site development elements are flexible enough to allow for the Highway Business area to evolve over time in response to changing markets. Research emerging trends in the transformation of so-called "big box" retail centers to inform any regulatory amendments.	Planning Board	No action
Develop "big-box" and/or "formula business" design guidelines to ensure the high quality design of façades,	Planning Board	No action

rooflines, signage, parking areas, and streetscapes.		
Consider the provision of centralized sewer service for this area as a tool for continued growth and resource protection.	Planning Board/ EAC/ Board of Selectmen	To consider
Require new tenants on older sites to provide detailed mapping of stormwater and wastewater infrastructure to ensure a continued update of information needed to maintain market viability and high levels of environmental protection.	Planning Board/ Conservation Commission	Ongoing
Consider development bonuses for this area that could be used as part of a TDR program.	Planning Board	No action
Include development standards for circulation that will allow for easier travel for pedestrians and bicyclists between sites. These standards could include the incorporation of dedicated pedestrian and bicycle ways along Route 6 frontage.	Planning Board	No action
Provide incentives for the inclusion of green rooftops and roof mounted solar arrays on large flat rooftops.	Planning Board/Energy Committee	No action
Provide incentives for the inclusion of ground-mounted solar arrays into the design of parking areas.	Planning Board/Energy Committee	No action
Incorporate considerations for heat island mitigation into the landscaping standards specific to this area.	Planning Board	Will explore as part of ZBL re- write
Implement the action items related to the Route 6 commercial areas that are listed in the Economic Development element.	Various	Ongoing
Objective LU-8: Maintain the viability of Seekonk's Industrial areas.		
Develop a clear identity for Seekonk's Industrial areas as identified on the FLUM by not allowing uses that could lead to conflict or nuisance complaints.	Planning Board/ EAC	Ongoing
Consider the provision of centralized sewer service for this area as a tool for continued growth and resource protection.	Planning Board/ EAC/ Board of Selectmen	To consider
Require new tenants on older sites to provide detailed mapping of stormwater and wastewater infrastructure to ensure a continued update of information needed to maintain market viability and high levels of environmental protection.	Planning Board/ Conservation Commission	Ongoing
Protect industrial uses by prohibiting other uses that might create conflicts with industrial operations or otherwise erode the character of the industrial areas.	Planning Board/ Zoning Board of Appeals	Ongoing
Implement the action items related to Industrial areas that are listed in the Economic Development element.	Various	Ongoing

Economic Development Action Plan

Action	Responsible Party	Status
Objective ED-1: Create systems and tools for a structured economic development approach.		
Create a municipal Economic Advisory Committee (EAC) to sustain economic development efforts from the Town and serve as a liaison to the Chamber of Commerce.	Board of Selectmen	Committee established; need members
Create outreach materials for local businesses describing the costs and benefits of having a local Chamber of Commerce.	EAC	See above
Invite representatives from neighboring Chambers of Commerce to talk about their accomplishments to the Seekonk business community.	EAC	See above
Have EAC members receive training in issues of economic development through the Massachusetts Economic Development Council (MEDC).	Board of Selectmen/EAC	See above
In cooperation with the Chamber of Commerce and/or EAC, develop a marketing strategy for Seekonk that includes highlights of business-friendly approaches within the community for commercial and industrial districts.	EAC/Planning Board	No action
Maintain an inventory of vacant or underutilized commercial and industrial parcels that can be easily accessed by prospective investors.	Planning Board/ Assessor	Working on with Assessor
Assess the feasibility of running a web-based municipal GIS that could display important economic development information.	Planning Board/ Assessor	No action
Develop a business outreach program that includes critical information in a variety of media such as web-based material, e-blast notifications, mass mailings, workshops, etc.	EAC	No action
Ensure that clear standards for parking, setbacks, allowable uses and other essential Zoning By-law elements will be adopted to address the unique purpose of each commercial and industrial district.	Planning Board	Will explore as part of ZBL re-write
Objective ED-2: Facilitate and require high quality design of commercial areas.		
Develop design standards within the Zoning By-law tailored to different districts that will ensure a high quality of design in commercial development.	Planning Board	No action
Incorporate adequate circulation for bicycles and pedestrians into commercial site design.	Planning Board	Will explore as part of ZBL re-write
Create or distribute existing design manuals for the Planning and Zoning Boards as educational pieces to assist them with permit application review and allow them to easily identify design flaws.	Planning Board	No action
Develop standardized approaches to impact analyses that may accompany permit submittals to ensure a predictable	Planning Board	No action

approach to items such as fiscal impact analysis, traffic impact analysis, etc.		
Objective ED-3: Support neighborhood scale business and services.		
Identify a liaison within the EAC to the South Eastern Economic Development (SEED) agency in order to better connect Seekonk's small business community with technical and financial support.	EAC/Board of Selectmen	No action
Develop a circulation study for Luther's Corners to identify strategies for increasing access to local businesses.	Planning Board/DPW	Done
Re-examine the Zoning By-law provisions that govern Baker's Corners to ensure this area can better serve residents in the "north end" of Seekonk with essential services.	Planning Board	No action
Implement the strategies developed as part of the Route 44 Corridor Study (SRPEDD, 2011).	Various	Ongoing
Continue to support home occupation business within designated zoning districts.	Planning Board/ Zoning Board of Appeals	Ongoing
Objective ED-4: Maintain the viability of the Route 6 corridor.		
Present a written economic development strategy to the Commonwealth that would help to leverage additional liquor licenses in the Route 6 area.	Board of Selectmen/EAC	Ongoing
Identify infrastructure improvements that could make redevelopment in the Route 6 corridor more streamlined.	Planning Board/ Conservation Commission/ DPW/Water District/Board of Health	Ongoing
Research other models of development that are compatible with "large pad" sites including, but not limited to, Mashpee Commons, South County Commons, Patriot Place, and Legacy Place.	EAC/Planning Board	Ongoing
Incorporate design standards tailored specifically to big box and strip retail to ensure that Seekonk receives the highest quality design from local, national, and international corporations.	Planning Board	No action
Objective ED-5: Maintain the viability of existing industrial lands.		
Communicate directly with property/industry owners to identify challenges to re-occupation, expansion, or redevelopment in industrial districts.	EAC	Sent letter out 7/12
Continue to assess the feasibility for other non-retail uses of industrial lands including, but not limited to, renewable energy facilities.	EAC/Energy Committee	Ongoing
Support the development of an Industrial Subcommittee within the EAC or Chamber of Commerce.	EAC/Board of Selectmen	No action
Objective ED-6: Provide infrastructure that supports economic centers.		

Continue discussions with the City of Attleboro regarding the potential to append Seekonk to Attleboro's Economic Target Area (ETA) designation.	Planning Board/ Board of Selectmen	Ongoing
Identify areas within the community where the use of District Improvement Financing (DIF) could be used to leverage funding for necessary infrastructure upgrades.	EAC/Planning Board	No action
Perform feasibility/growth management studies for installing a municipal sewer system that would be targeted to economic development areas within the community.	Planning Board/ Board of Selectmen/DPW/ Conservation Commission	No action
Continue to advocate for State-level transit/transportation improvements in designated economic development centers.	Planning Board/ DPW	Ongoing
Objective ED-7: Maintain a housing stock suitable for a diverse workforce.		
Identify a liaison to the Massachusetts Community Economic Development Assistance Corporation (CEDAC) to identify ways in which this organization can assist Seekonk with economic development and housing issues.	EAC	No action
Implement the strategies found in the Housing Element of the Master Plan.	Various	Ongoing
Objective ED-8: Support active farming as a viable source of local economic activity.		
Develop an inventory of farmland in the Town and prioritize farm viability efforts based on a structured assessment of potential development pressure, farm productivity, scenic and cultural value, and other factors.	Planning Board/ Conservation Commission	Ongoing

Sustainable Energy Action Plan

Action	Responsible Party	Status
Objective SE-1: Reduce energy used in municipal buildings and operations. Form an energy committee made up of Town staff and volunteer members to support various energy efficiency initiatives.		
Develop a public education and engagement campaign around energy efficiency and conservation. Sign up for the MassEnergyInsight program.	Energy Committee	No action
Through the support of the Energy Committee, develop a municipal energy use baseline in MassEnergyInsight. Coordinate free energy audits at municipal buildings through the energy utilities. Commit to reducing municipal energy use by 20%, and through the support of the Energy Committee, develop a Green Communities compliant energy reduction plan.	Energy Committee/DPW Board of Selectmen	No action
Coordinate a street lighting audit with the electric utility, and consider conversion to LED lights.	DPW/ Energy Committee	No action

Objective SE-2: Reduce community-wide energy use in buildings.		
Develop a community energy use inventory and community-wide energy reduction strategy.	Energy Committee	No action
Consider the implementation of a weatherization program.	Energy Committee	No action
Provide education and outreach on energy efficiency and conservation, and promote energy audits.	Energy Committee	No action
Consider implementation of a community energy efficiency competition or online rewards program in which residences are rewarded for energy savings.	Energy Committee	No action
Objective SE-3: Reduce transportation-related energy use.		
Evaluate the current street and parking design standards, and determine options for improvement to promote multi-modal corridors.	Planning Board	No action
Prioritize projects to encourage multi-modal transportation along targeted roadways.	DPW	Ongoing
Develop and provide regulatory incentives for developers that incorporate multi-modal design in their development applications.	Planning Board	No action
Inventory current bicycle and pedestrian paths and identify opportunities to upgrade them and create linkages.	Conservation Commission	Ongoing
Prioritize municipal projects that provide direct connections and improve community connectivity.	Board of Selectmen/ DPW	Ongoing
Continue to promote pedestrian activity by requiring projects to incorporate pedestrian and bicycle paths and amenities.	Planning Board	Ongoing
Work with the State to improve public transportation opportunities in Seekonk.	Board of Selectmen/ Planning Board	No action
Inventory zoning obstacles to smart growth and mixed-use development, and address them accordingly with zoning revisions.	Planning Board	Will explore as part of ZBL re-write
Provide priority parking in public lots for energy efficient vehicles and for carpooling and vanpooling.	DPW	No action
Objective SE-4: Encourage renewable energy sources.		
Continue to investigate opportunities (including appropriate locations as well as funding sources) to incorporate renewable energy on municipal buildings and lands.	Energy Committee	Ongoing
Inventory zoning obstacles to renewable energy development, such as setback requirements, height standards, lot coverage requirements, and other standards that may impede development of renewable energy as a principal or accessory use, and develop revisions accordingly.	Planning Board	Ongoing

Develop zoning and regulatory standards for renewable energy systems of different types and scales as appropriate to the community.	Planning Board	No action
Provide education and outreach on renewable energy sources, and how home-owners and businesses can integrate these systems into their homes and businesses.	Energy Committee	No action
Provide regulatory incentives to developers that incorporate renewable energy sources in their site plans.	Planning Board	No action

Public Service and Facilities Action Plan

<i>Action</i>	<i>Responsible Party</i>	<i>Status</i>
<i>Objective PSF-1: Develop and maintain funding tools toward the continued investment of public services and facilities.</i>		
Pursue those actions within the Economic Development element of the Master Plan designed to maintain a strong and diverse tax base.	As applicable	Ongoing
Explore and encourage public/private partnerships that help to fund and maintain the viability of specific facilities similar to the Friends of the Library.	Board of Selectmen/ Planning Board	Ongoing
Consider “placed-based” tools such as Parking Improvement Districts or Business Improvement Districts (BIDs) that can help to raise money toward infrastructure and facilities improvements.	Planning Board	No action
Identify areas where individual facilities could be financed through the use of District Improvement Financing (DIF).	Planning Board/ DPW	No action
Continue to require performance guarantees and maintenance agreements for facilities created as part of subdivisions or other development proposals (e.g., stormwater treatment facilities, private roads and rights of way, photovoltaic facilities, etc.)	Planning Board/ Conservation Commission	Ongoing
<i>Objective PSF-2: Develop and maintain meaningful information that will help to prioritize investment in municipal facilities and services.</i>		
Continue to support the Capital Improvements Committee in their efforts to study individual facilities in a detailed manner and on a regular basis to inform the Capital Improvement Program.	CIC and various departments	Ongoing
Maintain standardized facility evaluation procedures (e.g., form evaluations and updating the Five Year Capital Plan) that can be updated by department heads or department staff on facility needs and entered into Town-wide facilities database.	CIC/Board of Selectmen	Ongoing
Develop a system of regular face-to-face communication in which all departments can report important facility and service related information to the Board of Selectmen and the Town Administrator.	Board of Selectmen/ Town Administrator	Ongoing

Develop a fiscal impact analysis tool based on the “buildout” of the community that can show the relative impacts of different zoning by-law provisions on the fiscal budget.	Planning Board	No action
Continue to develop the municipal Geographic Information System (GIS) in a manner that integrates important facility-based information into the database.	Planning Board/ Assessor/ DPW	Ongoing
Develop a standard process for integrating the long-term costs of new facilities into the decision making process including, but not limited to, staffing of new facilities, accessory equipment needs, regular maintenance, and utilities.	Planning Board	No action
Continue to closely track school enrollment to ensure an efficient use of school building facilities.	School Department/CIC	Ongoing
Continue to update both the Housing Production Plan and the Open Space and Recreation Plan as necessary to ensure that baseline data and strategies represent current conditions.	Planning Board/ Conservation Commission	Ongoing
Objective PSF-3: Improve inter-departmental communication, and provide a transparent decision-making process under an efficient government structure that meets community needs.		
Survey the community to determine whether Open Town Meeting style of government is adequate or if the Town should investigate other forms of government including Representative Town Meeting or Town Council.	Planning Board	Done
Conduct semi-annual audits of all Master Plan action items to chart progress and identify “next steps”.	Planning Board	Ongoing
Set up more regular, formal meetings to share information between the Board of Selectmen and other boards and committees.	Board of Selectmen	No action
Continue the example provided by the Capital Improvements Committee by stating Committees’ decision-making process in formal documents to enhance transparency.	All Committees	Ongoing
Explore the use of more “service-oriented” tools (e.g. “E-Government”) that help with public information sharing, permitting, fee collection and other essential government functions.	Planning Board/ Board of Selectmen	Ongoing
Objective PSF-4: Coordinate the management of water-based infrastructure in an integrated fashion to ensure a sustainable approach.		
Develop an Integrated Water Resource Plan for the Town of Seekonk.	Planning Board/ Conservation Commission/ Water District	No action

Develop an audit of local regulations that looks specifically at the relationship between development standards and impacts to various water resources in the community.	Planning Board/ Conservation Commission/ DPW/Water District/Board of Health	No action
Examine the effectiveness of applying various scales of wastewater treatment to different areas of the Town (e.g., individual septic systems, neighborhood scale systems, centralized facilities, etc.).	Planning Board/ Conservation Commission/ DPW/Water District/Board of Health	No action
Continue to analyze the capacity of the existing municipal water supply against community buildout analyses.	Planning Board/ Water District	Ongoing
Ensure the requirements of the Non-Point Source Discharge Elimination System (NPDES) permit issued by the Commonwealth of Massachusetts are met.	Planning Board/ DPW	Ongoing
Objective PSF-5: Continue to assess and emphasize the need for high quality social services in the community.		
Include Human Services and the Council on Aging in regular facility updates with the Board of Selectman and the Town Administrator.	Board of Selectmen/Town Administrator	Ongoing
Continue to explore ways of expanding transportation services for seniors in order to increase their access to healthy food, recreational opportunities, and social interaction.	Council on Aging	Ongoing
Coordinate the efforts and programs of the (future) Senior Center with the school system to identify opportunities to merge programs for children and seniors.	Council on Aging/School Department	Ongoing
Ensure that families and individuals in need of intervention due to hardship have access to adequate health care, emergency food assistance, and counseling.	Human Services	Ongoing

Transportation Action Plan

Objective T-1: Minimize frequency and severity of accidents at high-incident locations.		
Coordinate with the State on projects that involve high accident locations and lobby for specific improvements to address the accident patterns.	Planning Board/ DPW	Ongoing
Identify high accident locations that are not part of ongoing projects and initiate studies to identify potential safety improvements.	Police Department/ DPW	Ongoing

Continue to utilize and pursue the services of SRPEDD to conduct safety studies. Implement corresponding actions in response to the findings. For example, increase enforcement at high-accident locations that exhibit high red light running.	Planning Board/Police Department/ DPW	Ongoing
Identify geometric and traffic control improvements to improve safety at high-accident locations and lobby for funding of these improvements.	Planning Board/ DPW	Ongoing
Objective T-2: Optimize the ability of existing roadways to service the transportation needs of the community.		
Pursue intersection improvements at Route 44/Route 114A, including dedicated left-turn lanes.	DPW	No action
Review “complete streets” policies from other towns in MA and throughout the U.S. and develop a guidance document for use on local projects to allow multi-modal uses on roadways.	Planning Board/ DPW	Ongoing
Incorporate standards into local regulations for providing “off-street” connections within commercial centers to minimize unnecessary egress onto arterial roads.	Planning Board	Will explore as part of ZBL rewrite
Incorporate standards into local regulations that require site design techniques for better bicycle and pedestrian circulation.	Planning Board	Will explore as part of ZBL rewrite
Strategically place curb cuts to minimize conflict points.	Planning Board/ DPW	Ongoing
Sustain rural character of roadways by implementing traffic calming strategies in appropriate locations.	Planning Board/ DPW	Ongoing
Use traffic calming techniques to discourage cut-through traffic on neighborhood streets.	Planning Board/ DPW/Police Department	Ongoing
Objective T-3: Minimize traffic demand generated by new development.		
Require traffic impact studies for new developments. For large scale developments, implement peer reviews of traffic studies to be paid by developer to ensure accuracy and completeness of studies.	Planning Board	Ongoing
Expand acceptable traffic management and mitigation measures to include TDM and/or non-infrastructure items and provide credits for these mechanisms through zoning and subdivision provisions.	Planning Board	Ongoing
Objective T-4: Improve pedestrian and bicycle amenities Town-wide.		
Develop and implement a long-term sidewalk enhancement program.	DPW	No action
Encourage walking and biking through the school and recreation departments and through employer TDM programs.	School Department/ Recreation/ Planning Board/ School	Ongoing

Develop walking and cycling paths that connect activity areas and link to other alternative transportation networks.	Department/ Recreation/ Conservation Commission	Ongoing
Maintain prompt snow removal of pedestrian and bicycle amenities.	DPW	Ongoing
Develop subdivision regulations to provide new neighborhood trails and improve access to existing trails.	Planning Board	No action
Identify key locations for new/additional bike rack and pedestrian bench installations.	Planning Board/ School Department/ Library/ DPW	No action
Identify roadways with sufficient width to stripe bike lanes; analyze these locations, and implement bike lanes where appropriate.	Planning Board/ DPW	Ongoing
Leverage the Safe Routes to School program to promote healthy travel to and from all schools.	Planning Board/School Department	No action
Establish standard criteria for marking crosswalks, potentially referencing the Manual on Uniform Traffic Control Devices.	Planning Board/ DPW	No action
Objective T-5: Increase use of the public transportation system.		
Provide shelters, benches and bike racks at bus stops.	Planning Board	No action
Increase the number of park and ride lots to enhance connectivity to public transportation.	Planning Board	No action
Conduct a Town survey of public transportation needs and issues.	Planning Board/ EAC	No action
Investigate various forms of public transportation to service the Route 6 commercial area and seek funding to implement the best option(s).	Planning Board/ DPW/Fire Department	No action
Coordinate with RIPTA, GATRA, and SRPEDD to improve public transportation across the state border and facilitate connections between GATRA and RIPTA services.	Planning Board/ DPW	No action
Objective T-6: Aggressively pursue funding for transportation projects.		
Apply for grants through SRPEDD.	Planning Board/ DPW	Ongoing
Enhance the ability to access funds through the TIP (or other federal and state grants for transportation improvements) through investment in data collection, improvement studies, or preliminary design.	EAC/Planning Board/ DPW	No action
Seek grants to promote non-motorized forms of transportation.	Planning Board/ DPW	No action
Objective T-7: Integrate transportation infrastructure into a "place-making" approach.		
Identify potential gateway locations and develop gateway design concepts.	Planning Board/ DPW	No action

Initiate community/commercial participation to maintain gateways (e.g., Adopt-a-Spot).	Planning Board/ EAC	No action
Provide welcome signs at gateways. Consider alternative and creative materials for the signs, such as plantings.	Planning Board/ EAC	No action
Improve landscape design and streetscapes at gateway locations while maintaining clear sight lines.	Planning Board/ EAC	No action
Initiate a photo inventory of potential candidates for scenic roadways using Town GIS.	Planning Board/ Conservation Commission	No action
Establish standards and/or incentives for appropriate levels of streetscape improvements for new development and redevelopment in different zoning districts.	Planning Board	Will explore as part of ZBL rewrite
Revisit the Scenic Roads Bylaw and reintroduce to Town Meeting.	Planning Board	No action

From: Pamela Nolan

Sent: Thursday, January 03, 2013 4:10 PM

To: Mary McNeil; Beth Hallal; John Hansen

Subject: FW: K&P E-Update -- Medical Marijuana Update - Temporary Zoning Moratorium

FYI

From our Town Counsel concerning Medical Marijuana sites.

Please read

Pam

From: KopelmanAndPaigePC [<mailto:KopelmanAndPaigePC@k-plaw.com>]

Sent: Thursday, January 03, 2013 4:02 PM

To: KopelmanAndPaigePC

Subject: K&P E-Update -- Medical Marijuana Update - Temporary Zoning Moratorium



KOPELMAN AND PAIGE, P.C.



THE LEADER IN MUNICIPAL LAW
ATTORNEYS AT LAW

MEDICAL MARIJUANA UPDATE

TEMPORARY ZONING MORATORIUM

The Medical Marijuana Act went into effect on January 1, 2013. While some legislators will be seeking to postpone implementation of the law, we recommend that each municipality prepare now for the possibility that medical marijuana treatment centers may be registered and ready to open as early as the summer of 2013.

Some municipalities may wish to immediately allow the siting of one or more treatment centers; however, many municipalities may wish to adopt zoning bylaws or ordinances to regulate where and how such a center may be sited. If a proposed bylaw or ordinance already has been developed, then the zoning amendment process should begin as soon as possible.

Some municipalities may desire time to study whether and how to create zoning provisions to regulate medical marijuana treatment centers. If so, the municipality may consider enacting a zoning moratorium that would temporarily prohibit issuance of building and occupancy permits for medical marijuana treatment centers for a specific and limited period of time. Such zoning moratoria have withstood legal challenge. W.R. Grace & Co.-Conn. v. City Council of Cambridge, 56 Mass. App. Ct. 559 (2002) (A two-year moratorium was upheld and found to be reasonable under the circumstances). To withstand a challenge, however, the moratorium must identify the particular issue to be addressed by the moratorium and state the rational basis for its adoption. The moratorium also must be limited in duration and the duration must be reasonable in relation to the planning process necessary to be undertaken.

If a moratorium is challenged, the reviewing court will examine the circumstances under which it was adopted and require the municipality to establish the rational basis for the moratorium. Sturges v. Chilmark, 38 Mass. 246, 252 (1980). More specifically, a municipality must be ready to demonstrate its reasons for adopting the moratorium and be prepared to present the specific, tangible concerns that are to be addressed. For example, a municipality could describe the potential impact that location of a medical marijuana treatment center would have on local law enforcement and public safety needs.

It must be emphasized that the duration of the moratorium must have a rational relationship to the proposed planning process. During the moratorium, officials should undertake a study of the issues and then take the necessary steps to develop and present a proposed bylaw or ordinance to the legislative body, so as to address the identified issues.

We stand ready to assist you and your municipality, should you choose to propose a moratorium or draft a zoning bylaw or ordinance regulating medical marijuana treatment facilities under the new state law.

Attached is a sample moratorium warrant article in both Adobe Acrobat (.pdf) format and in Microsoft Word (.doc) format. Please note that we inserted a proposed moratorium expiration date of June 30, 2014; however, the date may be changed to another date that fits your community's planning needs, provided that the duration of the moratorium period is reasonable. We provided June 30, 2014, as an example because it allows communities slightly over twelve months after the date the Department of Public Health will issue its regulations to formulate bylaws or ordinances regulating medical marijuana treatment centers.

For more information, please contact Attorney Kay Doyle at 617-556-0007.

We hope you find our e-updates informative. If you no longer wish to receive e-updates from K&P, please send us a message, write Unsubscribe in the Subject line and we will remove you from future mailings in this area of law. As always, if you have any other questions or concerns, please do not hesitate to contact us.

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MODEL MEDICAL MARIJUANA MORATORIUM
WARRANT ARTICLE BYLAW

ARTICLE:

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section ___, **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**, that would provide as follows, and further to amend the Table of Contents to add Section ___, "Temporary Moratorium on Medical Marijuana Treatment Centers:"

Section . PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town *[as applicable]* and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Section _____ DEFINITION

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

Section _____. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town,

consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

Or take any action relative thereto.

TOWN OF SEEKONK
Planning Board

MEMORANDUM

To: The Planning Board

From: John P. Hansen Jr., AICP, Town Planner

Date: January 2, 2013

Re: December monthly report

BYLAWS

Zoning Bylaw rewrite

- First draft of audit complete and approved by PB.

PLANS

Master Plan

- Implementation on-going.

MISC

Luther's Corners Safety Improvements

- State concurs with need for safety improvements; Authorizes the Town to complete Project Initiation Form.

GIS

- Completing town-wide wetlands GIS file based ConCom approved plans.

Stormwater Systems Maintenance

- Identifying existing stormwater systems that require Town maintenance due to EPA's Phase II NPDES Permit.

SUBDIVISIONS

Orchard Estates

- Construction has begun; Drainage installed.

Tall Pines

- Construction on-going; Drainage, bridge, and binder installed

Madison Estates

- Construction to commence.

Caleb Estates

- Construction ongoing; Binder installed.

Ricard St. Extension

- Sub-base installed.

Pine Hill Estates

- Continued until January.

Jacob Hill Estates

- Preliminary Plan approved.

SITE PLANS

CVS-North End

- Construction on-going.

SECTION 25. CONSERVATION SUBDIVISION DESIGN

25.1 PURPOSE

The purpose of this Conservation Subdivision Design is to encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use; to preserve historical and archeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Seekonk's traditional New England natural landscape; to allow landowners a reasonable return on their investment; to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner; and to promote the provision of safe, sanitary, and affordable housing for all sectors of Seekonk's population, including low- and moderate income households.

25.2 APPLICABILITY

Any subdivision of eight (8) or more lots, from a parcel or set of contiguous parcels held in common ownership and located within a Residence District other than an R-1 zoning district may be permitted by right upon approval by the Planning Board (Board).

25.3 PRE-APPLICATION REVIEW

The applicant is strongly encouraged to request a pre-application review with the Town Planner, Conservation Agent, Building Official, Health Agent, Fire Chief, Water Superintendent and Public Works Superintendent. The applicant's consultants are strongly encouraged to attend. The purpose of this review is to outline the applicant's preliminary plan and receive comments from the members of the town staff listed above so as to minimize the applicant's costs for engineering and other technical experts that may arise throughout the development process.

25.4 PROCEDURES

Applicants for a Conservation Subdivision shall file with the Planning Board a Preliminary Plan and Definitive Plan, conforming to the contents specified in the Rules and Regulations Governing the Subdivision of Land in Seekonk, Massachusetts. In addition said plans shall include the following:

1. Proposed topography, wetlands, and the results of deep soil test pits and percolation tests at the rate of one per acre, but in no case fewer than four (4) per Conservation Subdivision.

2. Where the potential for wetland impacts exist, the Planning Board shall require the applicant to submit to the Conservation Commission, a request for a determination of applicability or notice of intent pursuant to G.L.c. 131, 40 and 310 CMR 10.05 (3).
3. Not more than 25% of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state. This calculation shall be included on all plans.
4. Any additional information necessary to make the determinations and assessments cited herein.
5. A yield plan showing the development designed in conformance with a conventional subdivision, as outlined in the Rules and Regulations shall also be submitted.

25.5 DESIGN PROCESS

Each Development Plan shall follow a four-step design process, as described below. When the Development Plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and open space.

- a. *Designing the open space.* First, the open space is identified. The open space shall include, to the extent feasible, the most sensitive and noteworthy natural, scenic, and cultural resources on the property.
- b. *Location of house sites.* Second, potential house sites are tentatively located.

House sites should be located not closer than 100' to wetlands areas, but may be situated within 50' of open space areas, in order to enjoy views of the latter without negatively impacting the former.

- c. *Street and lot layout.* Third, align the proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots, access and streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on open space. To the greatest extent practicable, wetland crossing and streets traversing existing slopes over 15% shall be strongly discouraged.
- d. *Lot lines.* Fourth, draw in the lot lines. These are generally drawn midway between house locations.

25.6 LOT DIMENSIONS

Each lot shall contain not less than 15,000 square feet of area if serviced by town water and not less than 20,000 square feet if not serviced by town water. Said lots shall have frontage of not less than 50 feet, front yards of at least 20 feet and rear and side yards of at least 10 feet.

25.7 NUMBER OF DWELLING UNITS

The maximum number of dwelling units allowed shall be equal to the number of lots which could reasonably be expected to be developed upon that parcel under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

25.8 ACCESS TO LOTS

Lots within a Conservation Subdivision may only be accessed from roads within the subdivision.

25.9 OPEN SPACE REQUIREMENTS

A minimum of 40% of the parcel shown on the Development Plan shall be contiguous open space, excluding required yards and buffer areas and shall not consist of narrow strips of land around the perimeter of the site which do not meet the intent of this by-law. The Board may require interconnected open space on adjacent subdivisions to encourage biodiversity by maximizing habitat size and minimizing edge effects. Such open space may be separated by the road(s) constructed within the Conservation Subdivision. A physical demarcation between residential properties and the required open space shall be included to prevent said open space from being absorbed by adjacent residential properties. Suggested examples include split rail fences, stone walls, boulders or other impediments as approved by the Board. The percentage of this open space that can be wetland shall not exceed the percentage of wetland for the entire site under existing conditions shown on the Development Plan.

The required open space shall be used for conservation, historic preservation, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes. Existing underground utilities, as of the date of adoption of this section, to serve the Conservation Subdivision site may be located within the required open space.

The required open space shall, at the owner's election, be conveyed to a corporation or trust owned jointly or in common by the owners of lots within the Conservation Subdivision. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of the open space and facilities, if

the trust or corporation fails to provide adequate maintenance, and shall grant the town easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the town a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.

Any proposed open space shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

25.10 DENSITY BONUS OPTION

1. Eligible Projects: For any proposed Conservation Subdivision of 8 or more units that is not within the Groundwater Aquifer Protection District, the developer may voluntarily elect to provide affordable housing units and receive a density bonus upon grant of a special permit by the Planning Board. The Planning Board shall require as a condition of such a density bonus the following:
 - a. The provision within the Conservation Subdivision of affordable housing units amounting to a minimum of ten (10) percent of the development's total number of dwelling units. Fractions of a unit will be rounded up to the next whole number.
 - b. The affordable units to be provided shall be equivalent in size, quality, and characteristics to the other units in the development.
 - c. The affordable units shall not be grouped together; they shall be distributed among all units.
2. Alternative Provision of Units: The Planning Board may allow, as a condition of said density bonus that, in lieu of all or some of the affordable housing units being provided within the Conservation Subdivision, the developer shall:
 - a. Provide all or some of the affordable housing units on a site different from the Conservation Subdivision; or

- b. Provide all or some of the affordable housing units through an alternative means, such as the purchase of existing units with the addition of deed restrictions or some other legally enforceable instrumentality acceptable to the Planning Board ensuring its continuing affordability; or
- c. Provide the equivalent value of all or some of the affordable housing units through a “fee-in-lieu” paid to the Town of Seekonk’s Community Preservation Act Community Housing fund, which will be dedicated to the provision of affordable housing; or
- d. Provide all or some of the affordable housing units through a combination of any or all of the methods in this Section.

The Planning Board shall ensure that the affordable units to be provided through alternative methods shall be equivalent in size, quality, and characteristics to the units within in the Conservation Subdivision. The Planning Board will also ensure that these alternative methods will encourage the most appropriate use of land and buildings, and/or will avoid undue hardship to land and buildings.

The value of a “fee-in-lieu” payment shall be equal to the price of a unit that is affordable to a qualified purchaser, assuming a household size of 1.49 persons per bedroom. Bedrooms will be determined by the average number of bedrooms per unit in the Conservation Subdivision. In the case of multiple affordable units, the price shall be multiplied by the number of affordable units created by the Conservation Subdivision.

- 3. Density Bonus: Under the voluntary special permit, the Planning Board will allow an increase in the maximum number of on-site market rate dwelling units in the Conservation Subdivision established under Section 25.7 of this bylaw. The number of these bonus market rate units will be equal to the number of affordable units created by the Conservation Subdivision. Fractions of a unit will be rounded up to the next whole number.
- 4. Schedule/Timing of construction or provision of affordable units or lots: The Planning Board may impose conditions on the special permit requiring construction of affordable housing according to a specified time table, so that affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

<u>MARKET-RATE UNIT %</u>	<u>AFFORDABLE HOUSING UNIT %</u>
<u>Up to 30%</u>	<u>None required</u>
<u>30% plus 1 unit</u>	<u>At least 10%</u>
<u>Up to 50%</u>	<u>At least 30%</u>
<u>Up to 75%</u>	<u>At least 50%</u>
<u>75% plus 1 unit</u>	<u>At least 70%</u>
<u>Up to 90%</u>	<u>100%</u>

5. Disturbed Areas: The Planning Board may grant a waiver allowing that the proportion of disturbed areas within the Conservation Subdivision may exceed 25% of the total tract only if that incremental disturbed area is needed to directly support the provision of and access to the additional on-site bonus market units and on-site affordable units.
6. Qualified Purchasers/Tenants: To ensure that only eligible households purchase or lease affordable housing units, the purchaser or lessee shall be required to submit copies of his/her household's last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the Conservation Subdivision or his/her agent, and within thirty (30) days following transfer of title, to the Seekonk Housing Authority, that his/her household's annual income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development, and as may be revised from time to time. The maximum housing cost for affordable units created under this bylaw is as established by the Commonwealth's Department of Housing and Community Development, Local Initiative Program or as revised by the Town.
7. Preservation of Affordability: Each affordable housing unit created in accordance with this subsection and offered for sale or rent to the general public shall have deed restrictions or some other legally enforceable instrumentality acceptable to the Planning Board ensuring its continuing affordability in perpetuity.
 - a. Resale Price: Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the deed restriction or other chosen legally enforceable instrumentality on the property.
 - b. Right of first refusal: The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by

Department of Housing and Community Development, granting the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

25.11 DECISION

The Planning Board may approve, approve with conditions, or deny an application for a Conservation Subdivision, after assessing whether the Conservation Subdivision better promotes the objectives herein, than would a conventional subdivision.

25.12 RELATION TO OTHER REQUIREMENTS

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning by-law.

25.13 SEVERABILITY

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Seekonk's zoning bylaw.

**SEEKONK PLANNING BOARD
Public Hearing and Regular Meeting
MINUTES
December 11, 2012**

Present: Ch. Abelson, R. Bennett, S. Foulkes, M. Bourque, L. Dunn
J. Hansen, Town Planner

Absent: J. Ostendorf (without cause), R Horsman (without cause)

7:05 pm Ch. Abelson called the meeting to order.

Ch. Abelson opened up the Public Hearing for:

Definitive Subdivision: Pine Hill Estates

Ch. Abelson read the order of business.

A motion was made by R. Bennett seconded by L. Dunn and it was unanimously

VOTED: To waive the reading of the legal notice.

By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes

Introduction of Town Planner and Board Members

Attorney Eric Brainsky representing the applicant introduced himself. He went on to summarize that the proposed definitive plan for the Conservation Subdivision is 10.93 acres in an R-2 zone. The subdivision consists of 10 house lots and has 57.8 % open space which is greater than the 40% minimum required. He noted the four waivers requested: Sidewalks on one side, 20' drainage easement, easement of 20' in width at dead end streets and a minimum center line radius of 240'. He also noted that the project as designed will require a variance from the ZBA. The variance is for the amount of disturbed area, pursuant to section 25.4 3. The plan would need relief, a variance of a 6.5%, which would be an increase from 25% to 31.5% to let people have 30' to 34' backyards. He also went on to explain that they ran across an issue after the PB packets had been sent and it was the question of, what if in developing these lots you had some type of site condition that required the house to be pushed back? Then a "contingency" variance would be granted which would give an additional 3.5% for limit of disturbance. He explained the "contingency" variance would only be used if the lot being developed showed a need through plans and septic approval. He noted a memo was given to the Planning Board outlining everything and asked for the memo to be incorporated into the record. He went on to say that this project and the nitrate loading analysis both received approval from the Board of Health on November 14, 2012.

L. Dunn asked that the limit of disturbance be explained.

Atty. Brainsky explained if you add them all up the total is 35%. The plan you have in front of you shows limited disturbance of 31.5% so that is a 6.5% deviation.

Paul Carlson from InSite Engineering representing applicant summarized that the property is 524 Newman Ave. and located within an R-2 zone. It is south of Water Lane and west of Read Street. Plan shows 10 house lots on 600' cul-de-sac road. It is a conservation subdivision which gives more than 50% as open space. He went on to say there will be 15,000' to 15,200 sq feet lots, individual septic systems and access to water, gas, and electric. They worked with Conservation Commission to have bordering vegetative wetland approval and performed perc tests with exception of lot 7 to submit for individual house lot. P. Carlson noted they had been before town's engineer and met guidelines and will utilize low impact development and minimize amount of area disturbed. The use of bio-retention area will be utilized. He also noted there is an infiltration pond in southeast of parcel. This will minimize the impact to surrounding area. Entire 100 year storm event captured with catch basins with hoods, forebay, infiltration pond and overflows that will be directed to the north and discharged. They also considered the areas that surround parcel and low spots for neighboring properties. The design utilizes the conventional cul-de-sac. DPW noted they do not have issues with the design. He went on to note they did perc tests on 9 out of the 10 lots. There is sand and gravel throughout entire parcel. He said they are limited on any of these lots with 10' side yards and both front and rear yard setbacks have to be met.

S. Foulkes asked if a lot has a house that has to be pushed back further would it encroach into the area where the trees are not supposed to be cut down.

Atty. Brainsky answered yes it would due to lot conditions (like on Lot 7). You might have to have an enlarged septic and push the house back and the 3.5% would afford the homeowner a larger back yard.

P. Carlson commented in every one of these lots, the mature trees even within the area of limit of disturbance and house will be maintained when possible.

R. Bennett commented that he thought the size of the septic would determine if you need additional area in the back. A four bedroom house will need a larger septic. If you are asking for an extra 3% it gives you free reign to maximize as much as you can.

Atty. Brainsky replied that was not the intent. He said what he calls the "by-right" variance, if granted by the ZBA, would allow for limit of disturbance and the intent would be to design a home to fit on plan as shown, not to design a huge home with a huge septic that would require the home to be pushed towards the back. The second 3.5% "contingency" variance is intended for scenarios where there is a site condition.

R. Bennett replied that it creates a grey area.

Atty. Brainsky replied that in the handout he just distributed tonight there was language that he suggested to be added into the decision. A "contingency" variance would have to be granted

from the ZBA and if granted that would allow the Town Planner to have the ability to modify the limited disturbance if the home or applicant proves it is necessary.

N. Abelson asked if any proponents would like to speak. None.

N. Abelson asked if any opponents would like to speak.

Valerie Carroll 484 Newman Ave. had concerns on the future of the maintenance of infiltration pond. She said when it rains the area gets wet and there could be a potentially bad mosquito problem in her back yard and wondered if there would be a homeowners association to take care of the infiltration pond

P. Carlson noted that as part of any new subdivision all drainage structures are obligated to fall under a homeowners association.

V. Carroll asked what sort of measures are in place to prevent encroachment on the open space.

P. Carlson said as part of this plan a split rail fence to line the limit of disturbance would be included in the decision.

Donald Chevrette 100 Cherry Hill Dr. said that he recently purchased property on Newman Ave. (lot 424). It was a distressed, two bedroom home with a cesspool. He went to the BOH to update the septic for a 3 bedroom home and was told he couldn't because it was in the aquifer protection area and was limited to a 2 bedroom home. He said he went on to make it a 2 bedroom home but he did not understand how the subdivision could be approved for 10 houses with over 2 bedrooms because his property is only 150' from where the subdivision is proposed and in the aquifer protection area.

Atty. Brainsky said he could not address that but his client satisfied all of title five and the loading analysis and the BOH approved 4-1 saying they met the regulations.

P. Carlson said as part of nitrogen loading analysis they were allowed seven 4 bedroom homes and three 3 bedroom homes within the entire subdivision.

R. McLintock Oak Hill Ave. noted that he was attending the PB meeting not as member of the Board of Health or the Board or Selectman but as a concerned citizen. He said he was concerned because the subdivision is close to the wells that service the town and if the definitive plan is approved there will be a lot of uneasy people and could cause a serious nitrate loading problem. He asked the Planning Board to listen to the Water District and what they had to say. He also said in his opinion the fast system at the middle school has not worked properly since the day it was installed. He said he wants development in Seekonk as much as anyone but in his opinion he does not want this development or any other development to infringe on the town's water supply. He said the Planning Board should listen and get information from a professional, Rob Bernardo from the Water District. He said the Planning Board is the only board that has the authority to do something about this development and if someone on the Planning Board felt unsure he asked them to not approve the subdivision.

Rob Bernardo Superintendent of the Water District said that there were three major areas of concern the Water District has with the project; public health, public safety and financial.

He first commented on the public health concerns of nitrates. He said that the ingestion of water with elevated levels of nitrates have shown to cause various levels of methemoglobinemia or blue baby syndrome and sometimes death in infants less than 6 mos. He read a letter from consultant Ryan Trahan of Professional Engineers/Environmental Partners Group concerning a water study focusing on the impact septic systems have on ground water quality. He went on to say that the graphs he handed out showed the relationship on how effective or not the middle school fast system is on removing nitrates from the waste water from the middle school. He went on to comment about public safety and said if we lose a single well we would be dependent on purchasing water to meet daily demands and fire protection, if we lose two wells we would be dependent on purchasing water from Pawtucket.

R. Bernardo went on to discuss the financial concerns in which he said nitrates are one of the most expensive to remove from ground water. He noted that the applicant has not provided any empirical data showing which direction the ground water will flow from the site. He said with the Newman well fields pumping all four wells at approximately 2000 gallons per minutes you have an idea where and what direction the septic leaching will flow from this site.

He also said that nitrates are one of the most expensive to remediate and Seekonk does not have a process to remove nitrates and you can't boil nitrates out. He said that reverse osmosis and ionic exchange is the only process that remove nitrates from drinking water and the cost estimates to do that would be \$650,000.00 to a million dollar so he urged the board to take great caution when approving the project.

Bill Rice Oak Hill Ave. Commented that state and local law require open space to qualify as a conservation subdivision. He also said he did not feel it was right that it would be asked of the Town Planner to change town bylaws for a house to accommodate a sewage system that is too close to the wetlands. He also went on to say it seemed as if it were being asked of the Planning Board to change the state and local wetland laws that prevent wetland disturbance. He said if there was not enough room in the subdivision for a back yard then maybe there were too many houses. In his opinion this is the wrong place for subdivision to go in.

Mr. Chevrette wanted to make it clear for the record that he was not at the meeting because of sour grapes over being denied a 3 bedroom system. He was fine with that because he drinks the water in Seekonk, and he said he was concerned about what the Planning Board might be approving.

Steve Damico 81 Briarwood Drive spoke to the Planning Board and asked them to be cautious and not approve the subdivision. He referred to a study done by The Silent Springs Institute saying early exposure to common chemicals during pregnancy can cause breast cancer later in life. He also said according to the state registry that breast cancer is higher than average in Seekonk.

He said house hold chemicals are finding their way in wells and that we are playing Russian roulette with our drinking water and asked again that the board not approve.

Atty. Brainsky replied that since the onset of the project inflammatory comments like blue baby syndrome, breast cancer, toxins and chemicals have been thrown around. He reminded the board that it is a 10 lot subdivision. The town conservation subdivision ordinance requires 40% open space the applicant is providing 57.8%. He also reminded the Board that as part of the conservation requirements the applicant must show a conventional yield plan. The conventional plan shows 10 lots can be fit with extensive roadway, sidewalks, impervious surface, by right without any dedication of open space and without any nitrate loading analysis. He said the applicant if he wanted could get permits for a 10 lot subdivision and clear cut the property. He said his applicant was making a choice to move toward a development standard that the town of Seekonk has been moving toward which is, smaller lots with open space.

He went onto say that Mr. Trahan advised that he had little or no experience with septic systems while in a joint meeting with the BOH, BOS and Water Dept. He said Mr. Trahan in his letter of Oct. 16, 2012 alleges concerns about nitrate loading and notes that if the subdivision were approved and nitrates levels increased above level of 5 milligrams per liter the district would be subject to Mass DEP regulations. He went to say that after receiving Mr. Trahan's letter his client responded with a letter to the BOH that issues were addressed. The response noted there was no empirical evidence submitted by Trahan to the Water Dept. saying that there was a nitrate loading problem and there was no empirical evidence that the project would cause a nitrate loading problem in the area, hence the 4-1 approval from the BOH.

He went on to say that Mr. Bernardo handed out a graph showing high nitrates coming out of the middle school. Atty. Brainsky said what he gave to the BOH and relied on significantly for information was the 66th Annual Report of the Seekonk Water District. The report was year ending December, 2011 and signed by the water commissioners on 4/12/12. He noted that on page 6 there was a section on nitrates and it said that the nitrate levels are well below the limits set by the EPA and DEP. It also said that as precaution, every other month the District continued to collect water samples from the monitoring well located in the rear of the middle school and the production well (GP4) closest to the Middle School to verify that the waste water treatment system at the school was working properly. Atty. Brainsky then said that sometime between April 12, 2012 and the project being submitted there was some sort of change apparently in the Water Depts. findings. He did not think it was appropriate to speculate that the project could cause blue baby syndrome or cancer or any other type of terrible sickness particularly in light of the fact that the water report signed 8 months earlier stated there was no issue.

Atty. Brainsky also said he had a map that showed existing cesspools that belong to the Town of Seekonk and the water district in close proximity to the well GP4 and said if there was a nitrate loading issue he would suggest, respectfully, that the town and the water district look to its own infrastructure instead of looking at his client's subdivision. He said that other than the variance on the limit of disturbance, the subdivision satisfied the requirements of the subdivision control law and requirements of the nitrate loading analyses and the overall BOH proceedings.

P. Carlson furthered commented saying that by right they could develop 10 lots with 1 acre lots and clear cut the entire parcel. He went on to say the requirements of zone 2, which the

subdivision falls under, states they must go by the nitrate loading analysis which falls under the 440 rule. It means that one 4 bedroom home is allowed 440 gallons per day per 1 acre lot. The nitrate loading analysis was submitted to the BOH and per the 440 rule the development could have seven 4 bedroom homes and three 3 bedroom homes. That information was submitted to the BOH and is available to anyone who wants to see it. He went on to say that the subdivision in relation to the GP4 well is 726' and the closest lot is 1050' and 1130' to closest septic system. All septic systems are designed in accordance with BOH and DEP. He noted within the area of almost 1500' there are nine cesspools, which is just a hole in the ground that leaches right into the ground. He went on to point out that the concession stand at the ball fields behind the middle school is a cesspool that is 550' away. He also said the Water Distribution building which has its own septic system is 440' away and the Water District's own office, which has a cesspool, is 705' away and the middle school is 1158' away. He noted that the subdivision would meet every guideline required under BOH and DEP and there have been no supporting documents with empirical data to show the subdivision will be detrimental.

R. Bernardo responded that at the November 14, 2012 BOH meeting P. Carlson was reprimanded by the BOH Chairman for forgetting to include data reports. He also commented that P. Carlson would have people believe that the 3 people who work at the Water District office and the concession stand's septic system that hardly gets any use and the water treatment plant septic system, which one person on a shift at a time, are significant contributors to the nitrate loading in this area. He asked the Planning Board what level of nitrate contamination in the drinking water supply they would be comfortable with. He said right now well GP4 is at level 3.5 which makes him uncomfortable. He said that everyone has heard what nitrates can do and it is not inflammatory, it is facts from EPA and DEP.

Atty. Brainsky said he resented the implication Mr. Carlson failed to supply information to the BOH. A day after the BOH meeting an email was sent regarding the missing information that said Mr. Carlson did not omit anything as it was an omission from someone else. He asked why would they reference information in the report and then not supply it.

L. Dunn said we have no bylaws or guidelines to go by in the subdivision rules. The bylaws begin with a paragraph about protecting the safety and welfare of our town. That is all she could find as back up on this issue. Traditionally the Conservation Commission is the keeper of our wetlands but this is something different. She said it was uncharted territory and said she could not vote for something that could possibly affect the health of most of our citizen's children and grandchildren.

A motion was made by M. Bourque seconded by R. Bennett and unanimously

VOTED: to adjourn the Public Hearing

By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes

M. Bourque commented he was torn as he understands the public safety issue and the financial problems for developer; he was not prepared to make a decision tonight and needed more time to study the information that was provided that night.

L. Dunn spoke that she has not seen any projections on the flow through on each lot.

R. Bennett said the Planning Board is ultimately responsible and he needed to look at the information further. He was not comfortable to vote on it tonight.

Atty. Brainsky said his client would agree to a January 30 continued deadline provided the public hearing stayed closed. He supposed the purpose of the extension would be to enable the Board to review more information.

A motion was made by M. Bourque and seconded by L. Dunn it was unanimously

VOTED: To continue until January 22, 2012

By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes

PB requested BOH packet information to be sent to them.

Form A Palmer River Development Co., LLC -Plat 17, Lot 79 - Jacob Street and Taunton Avenue

Christian Farland of Thompson Farland Professional Engineers/Land Surveyors summarized that Plat 17, Lot 79 contained 16.9 acres and on the northerly side of Taunton Avenue in a R-2/mixed use zone. They were proposing to divide off 4 lots on Taunton Ave. Three lots have adequate frontage, 120' required. Parcel D does not have adequate frontage and is unbuildable and will be used for an easement.

R. Bennett made a motion seconded by M. Bourque and it unanimously

VOTED: To endorse Form A Palmer River Development Co., LLC -Plat 17, Lot 79 - Jacob Street and Taunton Avenue

By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes

Preliminary Plan Jacob Hill Estates – Plat 17, Lots(s) 79 – Off of Taunton Ave & Jacob St.

Christian Farland president of Thompson Farland representing client Palmer River Development summarized that Jacob Hill Estates is an 11 lot preliminary conservation subdivision. He said the yield plan indicates 9 developable lots possible. The new incentive zoning provision will be utilized. He said that they had done some informal soil testing and they had their own consultant flag the wetlands and it was approved at the most recent Conservation Commission meeting. He went on to describe the property containing 16.9 acres; the land slopes through the back of the residential properties along Jacob Street and slopes towards Taunton Ave. and bordering vegetative wetlands. The roadway will be 859' and will be a cul-de-sac. The plan is designed to

minimize impact and all house lots will be outside of 100' buffer. He went on to say that during the definitive process they will get more details for drainage runoff but it will be an improvement to the storm water that goes onto Jacob Street now.

L. Dunn asked about the road width and sidewalks.

C. Farland said the road is 22' of pavement and 1' capecod berm and sidewalks on one side.

A motion was made by R. Bennett seconded by M. Bourque and unanimously

VOTED: to approve the preliminary plan Jacob Hill Estates with the following condition: Under section 4.4.2 of the Subdivision regulations, the lfe of the proposed buildings shall be at least two (2) feet above the maximum groundwater elevation. This shall be shown on the Definitive Plan along with the appropriate groundwater and soils data as per section 4.3 & 4.4.

By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes

Discussion Zoning Bylaw update

Katie Resnick from Horsley Whitten summarized the Draft Zoning By-law Audit. She reviewed the memo sent to J. Hansen on December 4, 2012 and went over the background of why the audit was being done. She then went on to describe the four types of zoning; Euclidean Zoning, Form-based Zoning, Performance Zoning and Hybrid Zoning. There was a lengthy discussion on the subject. (please refer to memo of 12/4/12 for detailed information)

A motion was made by M. Bourque and seconded L. Dunn and unanimously

Voted: to approve the Draft -1 Zoning By-Law –Audit

By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes

Discussion Accessory Apartment Zoning By-Law

J. Hansen discussed model by-law for accessory apartment by-law. He said the reason he was putting this before the Board was because it was decided when the housing section in the Master Plan was approved that if incentive zoning was approved at town meeting, which it was, then this would be the next step in looking at ways to provide alternate housing. He said he researched this model by-law from the State. He concluded by telling the Board to look it over and write down any questions concerns or ideas and it would be discussed at a future meeting.

Approval of Minutes: 10/9/12

A motion was made by R. Bennett and seconded by M. Bourque and unanimously

VOTED: to approve the 10/9/12 Planning Board minutes

By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes

A motion was made by R. Bennett and seconded by M. Bourque and unanimously

VOTED: to adjourn 10:00PM

By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes

Respectfully Submitted by,

Florice Craig